

AMENDED IN ASSEMBLY JUNE 21, 2000

AMENDED IN SENATE MAY 25, 2000

AMENDED IN SENATE APRIL 3, 2000

SENATE BILL

No. 1479

Introduced by Senator Figueroa
(Coauthors: Senators Haynes and Vasconcellos)
(Coauthors: Assembly Members Bock and Mazzoni)

February 10, 2000

An act to repeal and add Section 2508 of the Business and Professions Code *and to amend Section 102415 of the Health and Safety Code*, relating to midwifery.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as amended, Figueroa. Midwives: authorized practices: *birth certificates*.

Under existing law, licensed midwives are required to make specified disclosures to a client regarding the supervising physician's role. A violation of the licensing statutes for midwifery is a misdemeanor.

This bill would expand the disclosures that are required to be made to a client by a licensed midwife, and by adding to these provisions, this bill would create new crimes and thereby would impose a state-mandated local program.

Existing law also requires, with respect to a live birth occurring outside of a hospital, that the physician in attendance, or in the absence thereof, that either of the parents, prepare and register the birth certificate.

This bill would also require a professionally licensed midwife in attendance at a live birth outside the hospital, where no physician is present, to prepare and register a birth certificate.

The bill also would make legislative findings and declarations regarding childbirth and midwives.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2508 of the Business and
2 Professions Code is repealed.

3 SEC. 2. Section 2508 is added to the Business and
4 Professions Code, to read:

5 2508. (a) A licensed midwife shall disclose in oral and
6 written form to a prospective client all of the following:

7 (1) All of the provisions of Section 2507.

8 (2) If the licensed midwife does not have liability
9 coverage for the practice of midwifery, he or she shall
10 disclose that fact.

11 (3) The specific arrangements for the transfer of care
12 during the prenatal period, hospital transfer during the
13 intrapartum and postpartum periods, and access to
14 appropriate emergency medical services for mother and
15 baby if necessary.

16 (4) The procedure for reporting complaints to the
17 Medical Board of California.

18 (b) The disclosure shall be signed by both the licensed
19 midwife and the client and a copy of the disclosure shall
20 be placed in the client's medical record.

21 (c) The Medical Board of California may prescribe the
22 form for the written disclosure statement required to be
23 used by a licensed midwife under this section.



1 SEC. 3. *Section 102415 of the Health and Safety Code*
2 *is amended to read:*

3 102415. For live births that occur outside of a hospital,
4 the physician in attendance at the birth; or, in the
5 absence of a physician, *the professionally licensed*
6 *midwife in attendance at the birth or, in the absence of*
7 *a physician or midwife*, either one of the parents shall be
8 responsible for entering the information on the
9 certificate, securing the required signatures, and for
10 registering the certificate with the local registrar.

11 SEC. 4. The Legislature finds and declares that:

12 (a) Childbirth is a normal process of the human body
13 and not a disease.

14 (b) Every woman has a right to choose her birth
15 setting from the full range of safe options available in her
16 community.

17 (c) Midwives are experts in normal pregnancy and
18 birth and provide primary preventative care within a
19 perinatal health care team, collaborating with obstetrical
20 specialists as needed.

21 (d) Midwives worldwide have an excellent record of
22 safety with numerous studies associating midwifery care
23 with excellent outcomes and cost-effectiveness both in
24 the United States and in other countries.

25 (e) Low-risk women who choose a natural childbirth
26 approach in an out-of-hospital setting will experience as
27 low a perinatal mortality as low-risk women who choose
28 a hospital birth under the management of an obstetrician,
29 including unfavorable results for transfers from home to
30 hospital.

31 (f) The midwifery model of care is an essential
32 element of comprehensive health care for women and
33 their families and should be embraced by and
34 incorporated in the health care system and made
35 available to all women.

36 ~~SEC. 4.~~

37 SEC. 5. No reimbursement is required by this act
38 pursuant to Section 6 of Article XIII B of the California
39 Constitution because the only costs that may be incurred
40 by a local agency or school district will be incurred

1 because this act creates a new crime or infraction,
2 eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition
5 of a crime within the meaning of Section 6 of Article
6 XIII B of the California Constitution.

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